

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

IN RE:

JON CHRISTOPHER EVANS,

DEBTOR.

CASE NO. 09-03763-NPO

CHAPTER 7

Jointly Administered with Related Cases

G&B INVESTMENTS, INC.

PLAINTIFF

VS.

ADV. PROC. NO. 10-00040-NPO

DEREK A. HENDERSON, TRUSTEE FOR THE
BANKRUPTCY ESTATE OF JON CHRISTOPHER
EVANS, *et al.*

DEFENDANTS

**AFFIDAVIT OF KRISTINA M. JOHNSON, ESQ.
AS TO FEES AND EXPENSES CHARGED TO BANK OF FOREST**

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, Kristina M. Johnson, who after being duly sworn, states as follows:

1. I, Kristina M. Johnson, am an adult resident citizen of Madison County, Mississippi and am competent to make this Affidavit based on my personal knowledge.
2. I am a shareholder and attorney employed by the law firm of Watkins, Ludlam, Winter & Stennis, P. A. ("WLWS") WLWS was retained by the Bank of Forest ("BOF") to represent it in conjunction with the following actions:
 - a. Adversary Proceeding #10-00066 - Mississippi Valley Title Insurance Company and Old Republic National Title Insurance Company (collectively, the "Title Insurance Companies") sued Charles Evans, Chris Evans, The Evans Firm, *et al.* (Madison County Chancery Court #2009-1311). Derek Henderson, Trustee, removed the case to U. S. District Court (#3:09cv726).
 - b. Westport Insurance Corporation v. Evans *et al.*, including BOF – U. S. District Court #3:10cv00036.
 - c. All of the following forty-one (41) Chapter 7 bankruptcy cases ("Main Bankruptcy Cases"):



Jon Christopher Evans; #09-03763-NPO
Colony Developers, Inc.; #09-04016-NPO
Highland of Ridgeland, Inc.; #09-04017-NPO
Twin City Commons Development Company, LLC; #09-04091-NPO
Old Agency Business Park, Inc.; #09-04101-NPO
Cedar Lake Investors, LLC; #09-04102-NPO
Colony Construction Ltd; #09-04104-NPO
Town Park of Madison, LLC; #09-04105-NPO
Madison Avenue Development Co., LLC; #09-04109-NPO
White Oak Investment Company; #09-04118-NPO
Woodgreen Development Corporation; #09-04120-NPO
Nottaway Pointe, LLC; #09-04124-NPO
Ridgeland Recreational Corp.; #09-04125-NPO
Hanover Investments, LLC; #09-04126-NPO
Highland of Madison Development, Inc.; #09-04214-NPO
Highland Colony Group LLC; #09-04215-NPO
Paloma Ridge LLC; #09-04216-NPO
Riverbend Group LLC; #09-04217-NPO
Sawbridge Development, LLC; #09-04218-NPO
Westfield Way LLC; #09-04219-NPO
JCE Construction; #09-04369-NPO
CE Development, Inc.; #09-04396-NPO
Oakmont Mill LLC; #09-04398-NPO

Snowden Lane Investments LLC; #09-04488-NPO

C & L Inc.; #09-04489-NPO

Canton Oaks Investments & Redevelopment Company, LLC; #09-04490-NPO

Westwoods Investments LLC; #09-04491-NPO

Twinbrook Run Development Company LLC; #09-04492-NPO

Brashear Heath LLC; #09-04494-NPO

463 Development Company LLC; #09-04505-NPO

Park Place Commons LLC; #09-04508-NPO

Parkway Crossing LLC; #09-04510-NPO

Marner Park LLC; #09-04511-NPO

Greenwood Place LLC; #10-00117-NPO

Lake Harbor Development LLC; #10-00118-NPO

Windsor Pass LLC; #10-00120-NPO

Clear Creek Development; #10-00121-NPO

Brisbane Centre LLC; #10-00122-NPO

Landsdowne Group, LLC; #10-00123-NPO

Snowden Grove Investors LLC; #10-00124-NPO

Charles H. Evans; #10-01117-NPO

d. Adversary Proceeding #10-00040 - G&B Investments, Inc. ("G&B") filed this adversary against Derek Henderson, Trustee, *et al.*, including BOF. Consolidated on or about June 29, 2010 with the following adversaries:

(i) Adversary Proceeding #10-00005 (as to Tract 4 only) - Derek Henderson, Trustee, filed this adversary against Community Bank, *et al.*, including BOF. (BOF was originally a defendant in this case but was moved to #10-00040 with Merchants & Farmers Bank as to Tract 4);

(ii) Adversary Proceeding #10-00059 - Merchants & Farmers sued Hanover Investments, LLC ("Hanover") and Town Park of Madison, LLC ("Town Park") (Madison County Chancery Court #2009-1272). BOF (through John Corlew, as special conflicts counsel) intervened. Later removed to U. S. District Court (#3:10cv108);

(iii) Adversary Proceeding #10-00060 - BOF (through Gene Berry insurer appointed counsel) sued Hanover and White Oaks Investments, LLC ("White Oaks") (Madison County Chancery Court. #2009-1327). Later removed to U. S. District Court. (#3:10cv111);

(iv) Adversary Proceeding #10-00061 - G&B sued Hanover (Madison County Chancery Court #2009-1284). BOF (through John Corlew), BankFirst and Merchants & Farmers and each intervened. Later removed to U. S. District Court. (#3:10cv116);

(v) Adversary Proceeding #10-00062 - The Title Insurance Companies sued BOF, Charles Evans and The Evans Firm (Madison County Circuit Court #CI-2009-0270). BOF (through undersigned counsel) removed the case to U. S. District Court (#3:09cv746); and

(vi) Adversary Proceeding #09-00158 - BOF filed this adversary (through undersigned counsel) against White Oaks and Derek Henderson as Trustee for White Oaks.

3. The attorneys' fees charged to BOF by WLWS and incurred by BOF in defense of its asserted mortgage liens and interests arising from its 2008 loan to White Oaks and its 2009 loan to White Oaks, and/or incurred by BOF to protect such liens and interests, total approximately \$393,539.27 for approximately sixteen months from September, 2009 through December, 2010.

4. Because of the litigation initiated by the Title Insurance Companies as to the 2009 loan and the related litigation involving G&B and Tract 4, the 2009 loan attorney's fees and expenses were initially billed separately from the 2008 loan until July 1, 2010 when this Court entered its Order of Consolidation in Adversary Proceeding 10-00040. Where tasks performed were equally applicable to both loans, the fees and expenses were divided equally between the two loans.

5. The amount of such WLWS fees and expenses through June 30, 2010 that were incurred by BOF in connection with protecting its liens and interests in the Evans matters arising from the 2008 White Oaks loan are approximately \$124,608.25 charged under billing number 07811.33852.

6. The amount of such WLWS fees and expenses through June 30, 2010 that were incurred by BOF in connection with protecting its liens and interests in the Evans matters arising from the 2009 White Oaks loan are approximately \$142,491.64 in

fees, \$2,911.70 in expenses for an approximate total of \$145,403.34. Charged under billing number 07811.33858.

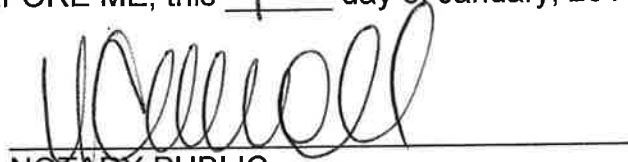
7. From July 1, 2010 to the present, BOF has been billed under one billing number (the original billing number for the 2009 loan, 07811.33858) in the additional amount of \$120,183.50 in fees and \$3,344.18 in expenses for an approximate total of \$123,527.68. Fees and expenses may continue to be incurred on an as needed basis in this Adversary Proceeding and in connection with the Main Bankruptcy Cases. Fees and expenses were not isolated to apply to either loan after the Adversary Proceeding 10-00040 Consolidation Order. These fees would have to be specifically re-organized for further allocation between the 2008 and 2009 loans. Affiant reserves the right to supplement this affidavit should such re-organization of said fees and expenses be required and/or should additional fees and expenses be incurred.

8. Further, Affiant sayeth not.

DATED THIS the 4th day of January, 2011.


KRISTINA M. JOHNSON, ESQ.

SWORN TO AND SUBSCRIBED BEFORE ME, this 4th day of January, 2011.


NOTARY PUBLIC

